

Senate Study Bill 3176 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to government operations and efficiency
2 and other related matters and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

Section 1. Section 8A.205, subsection 2, paragraph g, Code 2011, is amended to read as follows:

g. Encourage participating agencies to utilize duplex printing and a print on demand strategy to reduce printing costs, publication overruns, excessive inventory, and obsolete printed materials.

Sec. 2. DEPARTMENT OF ADMINISTRATIVE SERVICES —
INFORMATION TECHNOLOGY COORDINATION AND MANAGEMENT.

1. The department of administrative services, in accordance with the requirements of 2010 Acts, chapter 1031, and Code section 8A.202, subsection 2, paragraph "g", to coordinate and manage information technology services within the department, shall establish a schedule by which all departments subject to the requirements of that Act and chapter 8A shall comply with these requirements. The schedule shall provide for implementation of the requirements to all affected state agencies and departments by December 31, 2013. The department shall submit a copy of the schedule to the general assembly by July 31, 2012, and shall provide periodic updates to the general assembly on the progress of meeting the time deadlines contained in the schedule.

2. In procuring information technology as provided in section 8A.207, the department of administrative services should explore strategies of procuring information technology through leasing.

DIVISION II

MEDICATION THERAPY MANAGEMENT

Sec. 3. NEW SECTION. 8A.441 Medication therapy management.

1. As used in this section, unless the context otherwise requires:

a. "Eligible employee" means an employee of the state, with the exception of an employee of the state board of regents or institutions under the state board of regents, for whom group

1 health plans are established pursuant to chapter 509A providing
2 for third-party payment or prepayment for health or medical
3 expenses.

4 *b. "Medication therapy management"* means a systematic
5 process performed by a licensed pharmacist, designed to improve
6 quality outcomes for patients and lower health care costs,
7 including emergency room, hospital, provider, and other costs,
8 by optimizing appropriate medication use linked directly to
9 achievement of the clinical goals of therapy. Medication
10 therapy management shall include all of the following services:

11 (1) A medication therapy review and in-person consultation
12 relating to all medications, vitamins, and herbal supplements
13 currently being taken by an eligible individual.

14 (2) A medication action plan, subject to the limitations
15 specified in this section, communicated to the individual and
16 the individual's primary care physician or other appropriate
17 prescriber to address issues including appropriateness,
18 effectiveness, safety, drug interactions, and adherence. The
19 medication action plan may include drug therapy recommendations
20 to prescribers that are needed to meet clinical goals and
21 achieve optimal patient outcomes.

22 (3) Documentation and follow-up to ensure consistent levels
23 of pharmacy services and positive outcomes.

24 2. *a.* The department shall utilize a request for proposals
25 process and shall enter into a contract for the provision of
26 medication therapy management services for eligible employees
27 who meet any of the following criteria:

28 (1) An individual who takes four or more prescription drugs
29 to treat or prevent two or more chronic medical conditions.

30 (2) An individual with a prescription drug therapy problem
31 who is identified by the prescribing physician or other
32 appropriate prescriber, and referred to a pharmacist for
33 medication therapy management services.

34 (3) An individual who meets other criteria established by
35 the third-party payment provider contract, policy, or plan.

1 *b.* The contract shall require the entity to provide annual
2 reports to the general assembly detailing the costs, savings,
3 estimated cost avoidance and return on investment, and improved
4 patient outcomes related to the medication therapy management
5 services provided. The entity shall guarantee demonstrated
6 annual savings for overall health care costs, including
7 emergency room, hospital, provider, and other costs, with
8 savings including associated cost avoidance, at least equal
9 to the program's costs with any shortfall amount refunded to
10 the state. The contract shall include terms, conditions,
11 and applicable measurement standards associated with the
12 demonstration of savings. The department shall verify the
13 demonstrated savings reported by the entity was achieved in
14 accordance with the agreed upon measurement standards. The
15 entity shall be prohibited from using the entity's employees to
16 provide the medication therapy management services and shall
17 instead be required to contract with licensed pharmacies,
18 pharmacists, or physicians.

19 *c.* The department may establish an advisory committee
20 comprised of an equal number of physicians and pharmacists
21 to provide advice and oversight in evaluating the results of
22 the program. The department shall appoint the members of the
23 advisory committee based upon designees of the Iowa pharmacy
24 association, the Iowa medical society, and the Iowa osteopathic
25 medical association.

26 *d.* The fees for pharmacist-delivered medication therapy
27 management services shall be separate from the reimbursement
28 for prescription drug product or dispensing services; shall
29 be determined by each third-party payment provider contract,
30 policy, or plan; and must be reasonable based on the resources
31 and time required to provide the service.

32 *e.* A fee shall be established for physician reimbursement
33 for services delivered for medication therapy management as
34 determined by each third-party payment provider contract,
35 policy, or plan, and must be reasonable based on the resources

1 and time required to provide the service.

2 *f.* If any part of the medication therapy management
3 plan developed by a pharmacist incorporates services which
4 are outside the pharmacist's independent scope of practice
5 including the initiation of therapy, modification of dosages,
6 therapeutic interchange, or changes in drug therapy, the
7 express authorization of the individual's physician or other
8 appropriate prescriber is required.

9 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
10 Act, being deemed of immediate importance, takes effect upon
11 enactment.

12 DIVISION III

13 STATE PHYSICAL RESOURCES

14 Sec. 5. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS
15 AND REPORT. By September 30, 2012, the department of
16 administrative services shall conduct a high level needs
17 analysis of state employee work stations and office standards,
18 focusing on reducing square footage needs and creating
19 healthy, productive, and efficient work environments. Overall
20 objectives of the analysis shall include improving employee
21 density; properly allocating space for individual and group
22 work; improving worker health and safety; improving technology
23 integration; and improving energy efficiency and sustainability
24 in state offices. The department shall submit findings and
25 recommendations to the capitol planning commission and to the
26 legislative government oversight committees by October 30,
27 2012.

28 DIVISION IV

29 OPERATIONAL EFFICIENCIES

30 Sec. 6. STATE DEPARTMENT AND AGENCY LIMITATIONS ON
31 MAIL. Notwithstanding any provision of the law to the
32 contrary, state departments and agencies shall not, unless
33 otherwise required for purposes of pursuing legal action or
34 by federal law, provide departmental or agency notices or
35 information by mail. Departments shall provide information

1 or notices through the department's internet site or through
2 electronic mail.

3 DIVISION V

4 IOWA JOBS BOARD

5 Sec. 7. Section 12.87, subsection 12, Code Supplement 2011,
6 is amended to read as follows:

7 12. Neither the treasurer of state, the Iowa ~~jobs board~~
8 finance authority, nor any person acting on behalf of the
9 treasurer of state or the Iowa ~~jobs board~~ finance authority
10 while acting within the scope of their employment or agency, is
11 subject to personal liability resulting from carrying out the
12 powers and duties conferred by this section and sections 12.88
13 through 12.90.

14 Sec. 8. Section 16.193, subsection 1, Code Supplement 2011,
15 is amended to read as follows:

16 ~~1. The Iowa finance authority, subject to approval by the~~
17 ~~Iowa jobs board,~~ shall adopt administrative rules pursuant to
18 chapter 17A necessary to administer the Iowa jobs program and
19 Iowa jobs II program. The authority shall ~~provide the board~~
20 ~~with assistance in implementing administrative functions, be~~
21 responsible for providing technical assistance and application
22 assistance to applicants under the programs, negotiating
23 contracts, and providing project follow up. ~~The authority, in~~
24 ~~cooperation with the board, may conduct negotiations on behalf~~
25 ~~of the board with applicants regarding terms and conditions~~
26 ~~applicable to awards under the program.~~

27 Sec. 9. Section 16.194, subsection 2, Code 2011, is amended
28 to read as follows:

29 2. A city or county or a public organization in this
30 state may submit an application to the Iowa ~~jobs board~~
31 authority for financial assistance for a local infrastructure
32 competitive grant for an eligible project under the program,
33 notwithstanding any limitation on the state's percentage in
34 funding as contained in section 29C.6, subsection 17.

35 Sec. 10. Section 16.194, subsection 4, unnumbered paragraph

1 1, Code 2011, is amended to read as follows:

2 The ~~board~~ authority shall consider the following criteria in
3 evaluating eligible projects to receive financial assistance
4 under the program:

5 Sec. 11. Section 16.194, subsection 7, Code 2011, is amended
6 to read as follows:

7 7. In order for a project to be eligible to receive
8 financial assistance from the ~~board~~ authority, the project
9 must be a public construction project pursuant to subsection 1
10 with a demonstrated substantial local, regional, or statewide
11 economic impact.

12 Sec. 12. Section 16.194, subsection 8, unnumbered paragraph
13 1, Code 2011, is amended to read as follows:

14 The ~~board~~ authority shall not approve an application for
15 assistance for any of the following purposes:

16 Sec. 13. Section 16.194, subsection 9, paragraph b, Code
17 2011, is amended to read as follows:

18 b. Any portion of an amount allocated for projects
19 that remains unexpended or unencumbered one year after the
20 allocation has been made may be reallocated to another project
21 category, at the discretion of the ~~board~~ authority. The ~~board~~
22 authority shall ensure that all bond proceeds be expended
23 within three years from when the allocation was initially made.

24 Sec. 14. Section 16.194, subsection 10, Code 2011, is
25 amended to read as follows:

26 10. The ~~board~~ authority shall ensure that funds obligated
27 under this section are coordinated with other federal program
28 funds received by the state, and that projects receiving funds
29 are located in geographically diverse areas of the state.

30 Sec. 15. Section 16.194A, subsections 2, 7, 9, and 10, Code
31 2011, are amended to read as follows:

32 2. A city or county in this state that applies the smart
33 planning principles and guidelines pursuant to sections 18B.1
34 and 18B.2 may submit an application to the ~~Iowa jobs board~~
35 authority for financial assistance for a local infrastructure

1 competitive grant for an eligible project under the program,
2 notwithstanding any limitation on the state's percentage in
3 funding as contained in section 29C.6, subsection 17.

4 7. In order for a project to be eligible to receive
5 financial assistance from the ~~board~~ authority, the project
6 must be a public construction project pursuant to subsection 1
7 with a demonstrated substantial local, regional, or statewide
8 economic impact.

9 9. Any portion of an amount allocated for projects
10 that remains unexpended or unencumbered one year after the
11 allocation has been made may be reallocated to another project
12 category, at the discretion of the ~~board~~ authority. The ~~board~~
13 authority shall ensure that all bond proceeds be expended
14 within three years from when the allocation was initially made.

15 10. The ~~board~~ authority shall ensure that funds obligated
16 under this section are coordinated with other federal program
17 funds received by the state, and that projects receiving funds
18 are located in geographically diverse areas of the state.

19 Sec. 16. Section 16.194A, subsection 4, unnumbered
20 paragraph 1, Code 2011, is amended to read as follows:

21 The ~~board~~ authority shall consider the following criteria in
22 evaluating eligible projects to receive financial assistance
23 under the program:

24 Sec. 17. Section 16.194A, subsection 8, unnumbered
25 paragraph 1, Code 2011, is amended to read as follows:

26 The ~~board~~ authority shall not approve an application for
27 assistance for any of the following purposes:

28 Sec. 18. Section 16.195, Code Supplement 2011, is amended
29 to read as follows:

30 **16.195 Iowa jobs program application review.**

31 1. Applications for assistance under the Iowa jobs program
32 and Iowa jobs II program shall be submitted to the ~~Iowa finance~~
33 authority for review and approval. ~~The authority shall provide~~
34 ~~a staff review and evaluation of applications to the Iowa jobs~~
35 ~~program review committee referred to in subsection 2 and to the~~

1 ~~Iowa jobs board.~~

2 2. ~~A review committee composed of members of the board~~
3 ~~as determined by the board shall review Iowa jobs program~~
4 ~~applications submitted to the board and make recommendations~~
5 ~~regarding the applications to the board.~~ When reviewing the
6 applications, the review committee and the authority shall
7 consider the project criteria specified in sections 16.194 and
8 16.194A. The ~~board~~ authority shall develop the appropriate
9 level of transparency regarding project fund allocations.

10 3. Upon approval of an application for financial assistance
11 under the program, the ~~board~~ authority shall notify the
12 treasurer of state regarding the amount of moneys needed to
13 satisfy the award of financial assistance and the terms of the
14 award. The treasurer of state shall notify the ~~Iowa finance~~
15 authority any time moneys are disbursed to a recipient of
16 financial assistance under the program.

17 Sec. 19. Section 16.197, Code 2011, is amended to read as
18 follows:

19 **16.197 Limitation of liability.**

20 ~~A member of the Iowa jobs board, a person acting on behalf of~~
21 ~~the board while acting within the scope of their employment or~~
22 ~~agency,~~ The authority or the treasurer of state, shall not be
23 subject to personal liability resulting from carrying out the
24 powers and duties of the ~~board~~ authority or the treasurer, as
25 applicable, in sections ~~16.192~~ 16.193 through ~~16.196~~ 16.195.

26 Sec. 20. IOWA JOBS BOARD — TRANSITION PROVISIONS —
27 LIMITATION OF LIABILITY.

28 1. Any contract or agreement issued or entered into by the
29 Iowa jobs board relating to the provisions of this division
30 of this Act, in effect on the effective date of this division
31 of this Act, shall continue in full force and effect and
32 any responsibility of the board relative to the contracts or
33 agreements as provided in those contracts or agreements shall
34 be transferred to the Iowa finance authority.

35 2. A member of the Iowa jobs board or a person acting on

1 behalf of the board while acting within the scope of that
2 person's employment or agency shall not be subject to personal
3 liability resulting from carrying out the powers and duties
4 of the board prior to the effective date of this division of
5 this Act, as applicable, in sections 12.87 through 12.90 and in
6 sections 16.192 through 16.196, Code 2011.

7 Sec. 21. REPEAL. Sections 16.191, 16.192, and 16.196, Code
8 and Code Supplement 2011, are repealed.

9

DIVISION VI

10

OFFICE OF DRUG CONTROL POLICY

11 Sec. 22. Section 80.8, subsection 3, paragraph a, Code 2011,
12 is amended to read as follows:

13 a. The salaries of peace officers and employees of the
14 department and the expenses of the department shall be provided
15 for by a legislative appropriation, except the salary of the
16 drug policy coordinator shall be fixed by the governor as
17 provided in section 80E.1. The compensation of peace officers
18 of the department shall be fixed according to grades as to rank
19 and length of service by the commissioner with the approval of
20 the department of administrative services, unless covered by a
21 collective bargaining agreement that provides otherwise.

22 Sec. 23. Section 80.9, Code 2011, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 10. The department shall receive and review
25 the budget submitted by the drug policy coordinator and assist
26 the drug policy coordinator in directing the office of drug
27 control's policy pursuant to section 80E.1.

28 Sec. 24. Section 80.17, subsection 1, Code 2011, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. g. Office of drug control policy.

31 Sec. 25. Section 80E.1, subsection 1, Code 2011, is amended
32 to read as follows:

33 1. The office of drug control policy is established in the
34 department of public safety. A drug policy coordinator shall
35 be appointed by the governor, subject to confirmation by the

1 senate, and shall serve at the pleasure of the governor. The
2 governor shall fill a vacancy in the office in the same manner
3 as the original appointment was made. The coordinator shall be
4 selected primarily for administrative ability. The coordinator
5 shall not be selected on the basis of political affiliation
6 and shall not engage in political activity while holding the
7 office. The salary of the coordinator shall be fixed by the
8 governor.

9 Sec. 26. Section 80E.1, subsection 2, paragraph a, Code
10 2011, is amended to read as follows:

11 a. Direct the ~~governor's~~ office of drug control policy,
12 and coordinate and monitor all statewide narcotics enforcement
13 efforts, coordinate and monitor all state and federal substance
14 abuse treatment grants and programs, coordinate and monitor all
15 statewide substance abuse prevention and education programs
16 in communities and schools, and engage in such other related
17 activities as required by law. The coordinator shall work in
18 coordinating the efforts of the department of corrections, the
19 department of education, the Iowa department of public health,
20 ~~the department of public safety~~, and the department of human
21 services. The coordinator shall assist in the development
22 and implementation of local and community strategies to fight
23 substance abuse, including local law enforcement, education,
24 and treatment activities.

25 Sec. 27. Section 124.101, subsection 21, Code 2011, is
26 amended to read as follows:

27 21. "Office" means the ~~governor's~~ office of drug control
28 policy, as referred to in section 80E.1.

29 Sec. 28. Section 135.130, subsection 2, Code 2011, is
30 amended to read as follows:

31 2. A substance abuse treatment facility advisory council
32 is established within the department to advise and make
33 recommendations to the director regarding the establishment
34 and operation of a facility for persons with a substance
35 abuse problem who are on probation and to assist with the

1 implementation of treatment programs that are proven to
2 be effective for offenders. The substance abuse treatment
3 facility advisory council shall consist of the directors of the
4 eight judicial district departments of correctional services
5 and one representative each from the judicial branch, the Iowa
6 department of public health, the department of corrections, and
7 the ~~governor's~~ office of drug control policy.

8 Sec. 29. Section 216A.132, subsection 1, paragraph b, Code
9 2011, is amended to read as follows:

10 b. The departments of human services, corrections, and
11 public safety, the office on the status of African Americans,
12 the department of public health, the chairperson of the board
13 of parole, the attorney general, the state public defender,
14 and the ~~governor's~~ office of drug control policy shall each
15 designate a person to serve on the council.

16 Sec. 30. Section 216A.140, subsection 5, paragraph h, Code
17 2011, is amended to read as follows:

18 h. ~~Governor's office~~ Office of drug control policy.

19 Sec. 31. Section 602.8108, subsection 4, Code Supplement
20 2011, is amended to read as follows:

21 4. The clerk of the district court shall remit all moneys
22 collected from the drug abuse resistance education surcharge
23 provided in section 911.2 to the state court administrator
24 for deposit in the general fund of the state and the amount
25 deposited is appropriated to the ~~governor's~~ office of drug
26 control policy for use by the drug abuse resistance education
27 program and other programs directed for a similar purpose.

28 DIVISION VII

29 BOARDS AND COMMISSIONS

30 Sec. 32. Section 190A.3, subsection 4, Code 2011, is amended
31 to read as follows:

32 4. The ~~farm-to-school council~~ department of agriculture and
33 land stewardship and the department of education shall actively
34 seek financial or in-kind contributions from organizations or
35 persons to support the program.

1 Sec. 33. Section 256.9, subsection 55, paragraph j, Code
2 Supplement 2011, is amended by striking the paragraph.

3 Sec. 34. REPEAL. Section 190A.2, Code 2011, is repealed.

4 DIVISION VIII

5 OBSOLETE PROVISIONS

6 Sec. 35. REPEAL. Section 15.112, Code Supplement 2011, is
7 repealed.

8 Sec. 36. REPEAL. Chapters 15C and 15D, Code 2011, are
9 repealed.

10 EXPLANATION

11 This bill relates to government efficiency, including other
12 matters related to the operation of state and local government.

13 DIVISION I — GOVERNMENT INFORMATION TECHNOLOGY SERVICES.

14 This division amends Code section 8A.205, concerning digital
15 government, to encourage state agencies to utilize duplex
16 printing. This division of the bill also directs the
17 department of administrative services (DAS) to establish a
18 schedule for departments to comply with information technology
19 coordination and management requirements of Code chapter
20 8A. In addition, DAS is encouraged to procure information
21 technology for participating agencies through leasing.

22 DIVISION II — MEDICATION THERAPY MANAGEMENT. This division
23 of the bill relates to medication therapy management. The bill
24 codifies the pilot program for medication therapy management
25 implemented on July 1, 2010, for eligible state employees,
26 making the program an ongoing program and directing DAS to
27 utilize a request for proposals process and to enter into a
28 contract to continue the program. This division of the bill
29 takes effect upon enactment.

30 DIVISION III — STATE PHYSICAL RESOURCES. This division
31 of the bill requires that DAS conduct an analysis of state
32 employee workstations and office standards by September 30,
33 2012. The division further requires the department to submit
34 findings and recommendations to the capitol planning commission
35 and the legislative government oversight committees by October

1 30, 2012.

2 DIVISION IV — OPERATIONAL EFFICIENCIES. This division
3 provides that each state department and agency shall not use
4 mail to provide departmental notices and information unless
5 otherwise required by federal law or for the purposes of legal
6 action. The bill provides that departments utilize their
7 internet sites or electronic mail for this purpose.

8 DIVISION V — IOWA JOBS BOARD. This division of this bill
9 eliminates the Iowa jobs board and provides that any duties
10 or responsibilities of the Iowa jobs board shall become the
11 responsibility of the Iowa finance authority. The division of
12 the bill also repeals Code section 16.196, concerning the Iowa
13 jobs restricted capitals fund and associated appropriations.
14 The division also provides transition provisions relative to
15 any contracts or agreements entered into by the Iowa jobs board
16 and provides for a limitation of personal liability for actions
17 by a member or agent of the board taken prior to the effective
18 date of this division of the bill relative to the duties of the
19 board.

20 DIVISION VI — OFFICE OF DRUG CONTROL POLICY. This division
21 transfers the administration of the governor's office of
22 drug control policy from the office of the governor to the
23 department of public safety. The division changes the name
24 of governor's office of drug control policy to office of drug
25 control policy.

26 The division requires the department of public safety to
27 review the budget submitted by the drug policy coordinator and
28 assist the drug policy coordinator in directing the governor's
29 office of drug control policy pursuant to Code section 80E.1.

30 The division does not modify the appointment of the drug
31 policy coordinator. Currently, the governor appoints the drug
32 policy coordinator, subject to confirmation by the senate, and
33 the coordinator serves at the pleasure of the governor.

34 The division also does not modify the current duties of the
35 drug policy coordinator to coordinate and monitor all statewide

1 narcotics enforcement efforts, substance abuse treatment grants
2 and programs, substance abuse prevention and education programs
3 in communities and schools, and to engage in such other related
4 activities as required by law.

5 DIVISION VII — BOARDS AND COMMISSIONS. This division of the
6 bill repeals the farm-to-school council.

7 DIVISION VIII — OBSOLETE PROVISIONS. This division of
8 the bill repeals Code section 15.112, relating to matching
9 funds for a farmworks national demonstration project; Code
10 chapter 15C, relating to a world trade center; and Code chapter
11 15D, relating to the midwest nuclear compact, which contains
12 provisions relating to repeal and withdrawal from the compact.